

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,

Plaintiffs,

v.

DELAINE EASTIN, et al.,

Defendants.

NO. C96-4179 TEH

ORDER RE: ASPIRE PUBLIC
SCHOOLS

To date in this case, Defendant Ravenswood City School District (“Ravenswood”) has provided special education services at the East Palo Alto Charter School (“EPACS”), a charter school operated by Aspire Public Schools (“Aspire”). On May 27, 2010, Defendant California Department of Education (“CDE”) approved Aspire East Palo Alto Charter School to participate as a Local Educational Agency (“LEA”) member in the El Dorado Charter Special Education Local Plan Area (“El Dorado SELPA” or “SELPA”). As a result of this designation, Aspire has proposed that it become the provider of special education services to students attending the EPACS. It is not clear what accountability Aspire would have to the Court, which has a duty to enforce the First Amended Consent Decree (“FACD”) and the corrective action plan for students with disabilities within the jurisdiction of Ravenswood. The FACD provides for Court involvement in many areas of special education, including the hiring of staff (FACD § 6.1.8) and retention of consultants (FACD § 6.1.9).


Accordingly, with good cause shown, the parties are HEREBY ORDERED to brief the Court regarding (1) the Court’s powers and responsibilities with respect to EPACS students with disabilities; (2) the Court Monitor’s powers and responsibilities with respect to EPACS students with disabilities; and (3) the powers and responsibilities of the parties with respect to EPACS students with disabilities. These briefs shall be filed no later than **August 12, 2011**. Should these briefs raise arguments to which a party wishes to respond, responding

1 briefs shall be filed no later than **August 19, 2011**. The parties shall appear at a hearing to
2 discuss this issue at **2 p.m. on Tuesday, August 30, 2011**, in Courtroom 2.

3 CDE shall serve Aspire with a copy of this order and all briefs filed in response to this
4 order. Should the parties reach agreement regarding the issues raised in this order, they shall
5 file a stipulation and the Court will vacate the briefing and hearing schedule set out above.

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7 **IT IS SO ORDERED.**

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9 Dated: 07/25/11



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT